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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65543-2023 (O&M)

Date of Decision: 01.02.2024

ABHISHEK AHLAWAT

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Anshumaan Dalal, Advocate for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.402 dated 02.11.2023, registered under Sections 498-A, 323, 377, 506, 509 354-B and 376/511 read with Section 34 IPC (Sections 354-B and 376/511 IPC were deleted later on) at Police Station Urban Estate Rohtak, District Rohtak.

2. On 02.01.2024, the following order was passed:-

“Learned counsel for the petitioner inter alia submits that FIR No.402 was registered on 02.11.2023 under Sections 498-A, 323, 377, 506, 509 and 354-B, 376/511 IPC read with Section 34 thereof, but subsequently Sections 354-B, 376/511 IPC were deleted.

He submits that out of a total of 6 accused, parents of the petitioner have already been granted bail by the police and 3 other accused namely the paternal aunt, brother and brother's wife of the petitioner have been removed from the array of accused.

Learned counsel has drawn the attention of the Court to the undertaking given by one Jitender, which is on record as Annexure P-5 and submits that the root cause of the dispute is in fact some extra-marital affair of the complainant with the said Jitender. Reference has also been made to the medico

legal report (Annexure P-9) and it has been submitted that the opinion by the doctor is not based on sound reasoning. It has further been submitted that the injuries mentioned in the FIR are not corroborated by the MLR (Annexure P-9).

Learned counsel also submits that on account of the dispute, the petitioner has instituted a petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of the marriage. It has been submitted that two minor children are living with the petitioner.

Learned counsel submits that the petitioner is a Government employee and is willing to abide by any condition imposed by this Court.

Notice of motion.

On the asking of the Court, Mr. Sharad Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent-State.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

List on 10.01.2024.”

3. Learned State counsel, on instructions from SI Satish, submits that a cancellation report in the FIR in question has already been submitted before the concerned Court. He further submits that that pursuant to the order dated 02.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are very serious & hence he does not deserve the concession of pre arrest bail.

5. In view of above, the interim order dated 02.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It

shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

01.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No